

Patent
10/785,394

REMARKS

Claims 1-3, 5-18 and 20-32 are now pending in the application. Claims 1 and 16 have been amended herein. Claims 1, 16 and 31 are independent claims.

First, Applicants again acknowledge with thanks the indication that Claims 31 and 32 are allowable over the art of record.

The objection to the drawings is believed to be rendered moot in light of the foregoing claim amendments. Reconsideration and withdrawal of same is accordingly requested.

Claims 1, 3, 5-16, 18 and 20-30 were rejected under 35 USC 102(b) as anticipated by US Patent 6,261,312 (Dobak, III et al.) and Claims 2 and 17 were rejected under 35 USC 103(a) as being unpatentable over Dobak in view of newly-cited US Patent 3,325,419 (Dato). These rejections are respectfully traversed.

Specifically, in order to place the application in condition for allowance, each of independent Claims 1 and 16 has been amended to include the recitations of allowable independent Claim 31. Independent Claim 1 now recites "a pump for circulating fluid through the supply lumen and helical return lumen to change the temperature of the heat transfer element to a temperature different from a patient temperature, to heat or cool the patient, wherein the pump speed and current drawn by the pump are used in a calculation of pressure" and independent Claim 16 now recites "circulating fluid via a pump through the supply lumen and return lumen to change the temperature of the heat transfer element to a temperature different from a patient temperature, to heat or cool the patient, and monitoring the pump speed and current drawn by the pump and using the same in a calculation of pressure".

In view of the foregoing claim amendments, each of the rejections is believed moot and respectfully traversed and reconsideration is requested.

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It is respectfully submitted that all pending claims are now in condition for allowance and prompt review and issuance is accordingly requested. Should the Examiner be of the view that an interview would expedite consideration of this Amendment or of the application at large, request is made that the Examiner telephone the Applicants' undersigned attorney at (908) 518-7700 in order that any outstanding issues may be resolved.

Respectfully submitted,



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